

This is a supplement to the Citizen's Guide, which provides basic information about Adirondack Park Agency regulations.

SHORELINE RESTRICTIONS

Whether or not an Agency permit is required for any new land use or development or subdivision, the following restrictions are imposed by law (APA Act §806).¹ If an Agency permit is required (or if the property has previously been subject to Agency review), additional restrictions may apply. Additional restrictions may also apply to the shoreline of rivers included in the New York State Wild, Scenic, and Recreational River System.

STRUCTURE SETBACKS

(these do not apply to docks and boathouses; see below)

Any new structure² exceeding 100 square feet in size must comply with the following minimum setback distances measured from the mean high water mark (the average annual high water level) of any lake or pond or any river or stream navigable by boat, including canoe:

***Hamlet 50 feet Moderate Intensity 50 feet Low Intensity Use 75 feet Rural Use 75 feet
Resource Management 100 feet***

The structure setback is measured horizontally along the shortest line between any point of the structure and any point on the shoreline at the mean high water mark. Individual structures that are attached to each other are considered a single structure for the purpose of implementing these restrictions.³ The Agency will locate the mean high water mark upon request of any landowner contemplating development.

Structures⁴ that lawfully exist within a shoreline setback area may be replaced or rebuilt in the same location or immediate vicinity. Effective December 31, 2008, the following changes to the dimensions of a lawfully existing structure within the setback area require a variance, whether the changes occur through expansion or replacement: (i) location of the structure any closer to the mean high water mark; (ii) any increase in height by more than two feet⁵; (iii) any increase in footprint; or (iv) any increase in width. However, an increase of up to 250 square feet of footprint to the rear (non-shoreline side) of a single

1 The shoreline restrictions of APA Act §806 are incorporated in the Agency-approved local zoning program for the Towns of Arietta, Bolton, Caroga, Chester, Chesterfield, Colton, Day, Edinburg, Hague, Horicon, Indian Lake, Johnsbury, Newcomb, Queensbury, Westport, and Willsboro, and the Town and Village of Lake George. Advice on requirements and variance procedures may be obtained from the local code enforcement officer.

2 Including decks, stairways, porches, sheds, fences, picnic shelters, cabins, lean-tos, etc. See APA Act §802(62).

3 Stairways, patios and walkways are considered individual structures for expansion and replacement purposes, regardless of their attachment to other structures.

4 See the Agency's flyer entitled "Shoreline Restrictions – Criteria for 'Minor Expansion' of Dams" and the flyer entitled "Shoreline Stabilization," both available at www.apa.state.ny.us, for information on the expansion or replacement of dams and retaining walls.

5 The height of structures with roof ridgeline(s) is measure at the highest point of the highest roof ridgeline. The height of structures without roof ridgeline(s) is measured at the highest point of the structure. See the Agency's flyer entitled "Structure Height," available at www.apa.state.ny.us, for additional information.

family dwelling or mobile home and/or the addition of a stoop no larger than 25 square feet providing access to the rear or side of a single family dwelling or mobile home does not require a variance.

No variance is required for any replacement or expansion undertaken outside the shoreline setback area.

DOCKS AND BOATHOUSES

Effective September 21, 2010, the following definitions apply to docks and boathouses. Docks and boathouses that lawfully existed before September 21, 2010, may be replaced in-kind without a variance. Lawfully-existing docks and boathouses may also be expanded, provided the structures remain within the parameters established by these definitions.

Dock means a floating or fixed structure that: (1) extends horizontally (parallel with the water surface) into or over a lake, pond or navigable river or stream from only that portion of the immediate shoreline or boathouse necessary to attach the floating or fixed structure to the shoreline or boathouse; (2) is no more than eight feet in width, or in the case of interconnected structures intended to accommodate multiple watercraft or other authorized use, each element of which is no more than eight feet in width; and (3) is built or used for the purposes of securing and/or loading or unloading water craft and/or for swimming or water recreation. A permanent supporting structure located within the applicable setback area which is used to suspend a dock above water level for storage by means of a hoist or other mechanical device is limited to not more than 100 square feet, measured in the aggregate if more than one such supporting structure is used. A dock must remain parallel with the water when suspended for storage, unless the size of the total structure does not exceed one hundred square feet. Mechanisms necessary to hoist or suspend the dock must be temporary and must be removed during the boating season.

Boathouse means a covered structure with direct access to a navigable body of water which (1) is used only for the storage of boats and associated equipment; (2) does not contain bathroom facilities, sanitary plumbing, or sanitary drains of any kind; (3) does not contain kitchen facilities of any kind; (4) does not contain a heating system of any kind; (5) does not contain beds or sleeping quarters of any kind; (6) does not exceed a single story in that the roof rafters rest on the top plate of the first floor wall, and all rigid roof surfaces have a minimum pitch of four on twelve, or, alternatively, one flat roof covers the entire structure; and (7) has a footprint of 1200 square feet or less measured at the exterior walls (or in the absence of exterior walls, at the perimeter of the roof), and a height of fifteen feet or less. For the purpose of this definition, the height of a boathouse shall be measured from the surface of the floor serving the boat berths to the highest point of the structure. The dimensional requirements specified herein do not apply to a covered structure for berthing boats located within the Lake George Park, provided the structure is built or modified in accordance with a permit from the Lake George Park Commission and is located fully lakeward of the mean high-water mark of Lake George.

MINIMUM LOT WIDTHS

Any subdivision creating a new parcel on which one principal building, such as one residential unit, will be constructed must comply with the following lot widths as measured along the shoreline at the mean high water mark regardless of Agency jurisdiction over the subdivision.

***Hamlet 50 feet Moderate Intensity 100 feet Low Intensity Use 125 feet Rural Use 150 feet
Resource Management 200 feet***

Additional shoreline lot width is required (i) for providing deeded or contractual access to water bodies and (ii) in designated river areas outside of Hamlet and Moderate Intensity Use; contact the Agency for additional information.

SEWAGE SYSTEM SETBACKS

Any new leaching facility (including a seepage pit, drainage field, outhouse, or pit privy) receiving any form of household effluent must be set back at least 100 feet from any water body, including an intermittent stream with a defined bed and bank. The setback is measured horizontally along the shortest distance from the mean high water mark to the closest point of the leaching facility.

New York State Department of Health standards also require that the absorption field (leaching facility) of any new on-site sewage disposal system shall not be installed within 100 feet of the source of any water supply system.

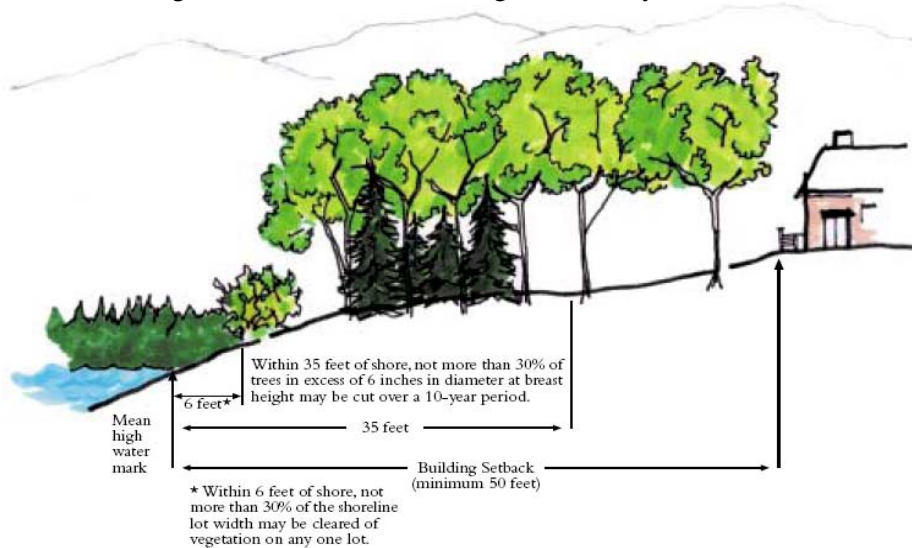
Alteration or replacement of a lawfully existing leaching facility located within 100 feet of a water body must occur in conformance with the setback requirements to the greatest extent possible, with the leaching facility located no closer to the mean high water mark, and must provide enhanced treatment.

Upon the expansion of any structure to allow for an actual or potential increase in occupancy, the leaching facility serving the structure must be located at least 100 feet from all water bodies.

SHORELINE CUTTING RESTRICTIONS

Vegetative cutting is restricted on any parcel with shoreline on a lake, pond or navigable river or stream as follows:

- (a) Within 35 feet of the mean high-water mark up to a maximum of 30 percent of the trees in excess of six inches diameter at breast height (4½ feet above ground) may be cut over any 10-year period.
- (b) Within six feet of the mean high-water mark no vegetation of any kind may be removed, except that up to a maximum of 30 percent of the shorefront may be cleared of vegetation on any individual lot. This requirement applies in addition to (a) above.
- (c) Diseased vegetation and rotten or damaged trees may be removed.



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